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ACTION EAP-00

INFO	LOG-00	NP-00	AF-00	AID-00	AMAD-00	ACQ-00	CIAE-00
	DINT-00	DOEE-00	DOTE-00	SRPP-00	DS-00	EB-00	FAAE-00
	FBIE-00	VC-00	H-01	TEDE-00	INR-00	IO-00	LAB-01
	L-00	VCE-00	AC-01	NSAE-00	OIC-02	OMB-01	OPIC-01
	PA-00	PM-00	PRS-00	ACE-00	P-00	SCT-00	SP-00
	SS-00	STR-00	TRSE-00	T-00	USIE-00	PMB-00	DSCC-00
	PRM-01	DRL-02	G-00	NFAT-00	SAS-00	/010W	
				-----75BAD3	031050Z	/38	

FM AMEMBASSY HANOI
TO SECSTATE WASHDC PRIORITY 0498
INFO NSC WASHDC PRIORITY
ASEAN COLLECTIVE
SECDEF WASHDC
JOINT STAFF WASHDC
USCINCPAC HONOLULU HI//J5/FPA//
DIA WASHDC
ASEAN COLLECTIVE
AMEMBASSY BEIJING
AMCONSUL HONG KONG
AMEMBASSY TOKYO
AMEMBASSY SEOUL

C O N F I D E N T I A L SECTION 01 OF 03 HANOI 001671

SIPDIS

STATE ALSO FOR EAP/BCLTV, DRL, DRL/IRF, INR/EAP
STATE ALSO FOR DRL A/S KOH AND DAS FREEMAN
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NSC FOR RAVIC HUSO AND ERIC SCHWARTZ
SECDEF FOR ISA/LSTERN

E.O. 12958: DECL: 8/2/2010

TAGS: PHUM PREL PINR VM HUMANR

SUBJECT: DISSIDENT HA SY PHU CONTINUES TO BE QUESTIONED BY POLICE, ISOLATED FROM SUPPORTERS

REF: A) HANOI 1570 B) HANOI 1511 C) STATE 141858

1. (U) CLASSIFIED BY ACTING DCM JAMES BRUNO;
REASONS 1.5 (B) AND (D).

2. (C) SUMMARY: DISSIDENT WRITER HA SY PHU REMAINS IN HIS HOME IN DALAT SUBJECT TO REGULAR QUESTIONING BY POLICE, MORE THAN TWO MONTHS AFTER POLICE THREATENED TO CHARGE HIM WITH TREASON FOR HIS PRO-DEMOCRACY ESSAYS. AN INVESTIGATION INTO HIS CONDUCT IS ONGOING, AND HE IS NOT ALLOWED TO TRAVEL "OUT OF HIS PLACE OF RESIDENCE," ACCORDING TO THE MFA. FORMAL CHARGES MAY YET BE FILED AGAINST HIM. HA SY PHU'S PHONE HAS BEEN CUT OFF, AND HE IS NOT ABLE TO RECEIVE VISITORS. FELLOW DISSIDENTS NGUYEN DAN QUE AND NGUYEN THANH GIANG TOLD POLOFF THEY HAVE ATTEMPTED TO CONTACT PHU, BUT WITHOUT SUCCESS. GIANG SAYS HA SY PHU MUST REPORT FOR DAILY QUESTIONING BY POLICE. QUE BELIEVES INTERNATIONAL ATTENTION FOCUSED ON PHU'S CASE HAS PREVENTED HIS BEING FORMALLY CHARGED. END SUMMARY.

PRO-DEMOCRACY ACTIVIST REMAINS UNDER INVESTIGATION

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3. (SBU) PRO-DEMOCRACY WRITER HA SY PHU REMAINS AT HIS HOME IN DALAT IN THE CENTRAL HIGHLANDS PROVINCE OF LAM DONG AND CONTINUES TO BE UNDER INVESTIGATION BY POLICE. A CZECH-TRAINED BIOLOGIST WHO FORMERLY WAS DIRECTOR OF THE VIETNAMESE INSTITUTE OF SCIENCE IN DALAT, PHU HAS WRITTEN NUMEROUS ESSAYS ADVOCATING DEMOCRACY AND GREATER OBSERVANCE OF HUMAN RIGHTS IN VIETNAM. ON MAY 12 HE WAS NOTIFIED BY PROVINCIAL POLICE HE WOULD BE CHARGED WITH TREASON UNDER ARTICLE 72 OF VIETNAM'S CRIMINAL CODE. HOWEVER, MORE THAN TEN WEEKS LATER, HE HAS YET TO BE FORMALLY CHARGED.

4. (SBU) HA SY PHU (WHICH IS THE PEN NAME USED BY NGUYEN XUAN U) HAD HIS HOME SEARCHED APRIL 28 BY POLICE, WHO CONFISCATED HIS COMPUTER, PRINTER, AND DISKETTES AND RESOURCE MATERIALS. TWO WEEKS LATER LAM DONG POLICE RETURNED TO NOTIFY HIM OF TWO DECISIONS SIGNED BY THE PROVINCIAL POLICE CHIEF. PHU WAS

REQUIRED TO REPORT DAILY TO THE LOCAL POLICE STATION FOR QUESTIONING AND HE WAS TOLD HE WOULD BE TRIED FOR TREASON. (COMMENT: BOTH STATEMENTS WERE SIGNED BY COL. NGUYEN VAN DO, POLICE CHIEF OF LAM DON PROVINCE, AND MAY REFLECT THE VIEWS OF ONLY LOCAL OFFICIALS. END COMMENT.)

15. (SBU) SINCE THAT TIME, NO FORMAL LEGAL ACTION HAS BEEN TAKEN AGAINST PHU. IN RESPONSE TO A REQUEST BY THE AMBASSADOR FOR INFORMATION ABOUT HIS CASE, ON JULY 24 THE MFA PROVIDED THE EMBASSY WITH A NON-PAPER STATING THAT PHU HAD NOT BEEN ARRESTED OR PLACED UNDER

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ADMINISTRATIVE DETENTION (DESCRIBED AS "ADMINISTRATIVE PROBATION" BY THE GVN). THE PAPER SAID THAT BECAUSE HA SY PHU "COMMITTED VIOLATIONS OF CRIMINAL LAW," LAW ENFORCEMENT OFFICIALS IN LAM DONG BEAN A FORMAL INVESTIGATION INTO HIS CASE MAY 10. THE NOTE SAID PHU HAS BEEN ORDERED NOT TO "TRAVEL OUT OF HIS PLACE OF RESIDENCE DURING THE INVESTIGATION." (COMMENT: WE BELIEVE THIS MEANS HE IS CONFINED TO HIS HOME, THOUGH THE NOTE IS NOT PRECISE AND MAY REFER TO THE CITY WHERE HE LIVES. END COMMENT.) THE NOTE CONCLUDES BY STATING THAT SETTLEMENT OF HIS CASE "DEPENDS ON THE RESULTS OF THE INVESTIGATION" AND MUST BE IN ACCORDANCE WITH THE LAWS OF VIETNAM.

16. (SB) NOTE: FOR THE PAST SEVERAL YEARS PHU HAS BEEN MONITORED CLOSELY BY POLICE. IN DECEMBER 1995 HE WAS ARRESTED AND CHARGED WITH "REVEALING STATE SECRETS" FOR POSSESSING A LETTER FROM THEN-PRIME MINISTER VO VAN KIET REFERRING TO THE NEED FOR FURTHER ECONOMIC AND POLITICAL REFORMS. PHU WAS IMPRISONED WITHOUT TRIAL UNTIL AUGUST 1996, WHEN HE WAS SENTENCED TO A YEAR IN PRISON. DURING THE PAST TWO YEARS, PHU'S PHONE HAS BEEN MONITORED AND CUT OFF PERIODICALLY. LOCAL POLICE HAVE PATROLLED OUTSIDE HIS HOME AND CONFISCATED HIS COMPUTER ON TWO OCCASIONS. ACCORDING TO ONE REPORT, HE WAS FORCED TO REPORT TO THE LOCAL POLICE ON A VIRTUALLY DAILY BASIS FOR SEVERAL MONTHS LATE IN 1999 AND IN EARLY 2000.

HA SY PHU DEFENDED BY OTHER ACTIVISTS

17. (SBU) BECAUSE HA SY PHU IS ONE OF VIETNAM'S MOST OUTSPOKEN PRO-DEMOCRACY ADVOCATES, THE RESTRICTIONS PLACED ON HIM IN MAY RESULTED IN A FLURRY OF ACTIVISM ON HIS BEHALF. ON MAY 19, FIVE PRO-DEMOCRACY ACTIVISTS IN VIETNAM, INCLUDING DR. NGUYEN THANH GIANG, SIGNED AN APPEAL ADDRESSED TO NATIONAL ASSEMBLY MEMBERS PROTESTING THE ACTIONS AGAINST HIM. THE FIVE PERSONS WHO SIGNED THE LETTER, ALL IN THEIR 60'S OR 70'S, WERE GEOPHYSICIST GIANG, WHO WAS JAILED FROM MARCH-MAY 1999 FOR HIS PRO-DEMOCRACY WRITINGS; HOANG MINH CHINH, SELF-DESCRIBED AS THE FORMER SECRETARY-GENERAL OF THE VIETNAMESE DEMOCRATIC PARTY; WRITER HOANG TIEN; JOURNALIST AND RETIRED COLONEL PHAM QUE DUONG; AND MILITARY VETERAN TRAN DUNG TIEN. BOTH DUONG AND TRAN DUNG TIEN WERE AMONG A HANDFUL OF

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COMMUNIST PARTY MEMBERS TO RESIGN IN JANUARY 1999 TO PROTEST THE EXPULSION OF WAR HERO TRAN DO.

18. (SBU) THE OPEN LETTER FROM THESE DEMOCRACY ACTIVISTS DEFENDED PHU'S RECORD AND NOTED HE HAD DONE NOTHING TO DESERVE BEING CHARGED WITH TREASON, WHICH THEY POINTED OUT CALLS FOR MINIMUM SENTENCES RANGING FROM 7-20 YEARS IMPRISONMENT AND CAN RESULT IN THE DEATH PENALTY. THE OPEN LETTER DESCRIBED PHU'S PREVIOUS WORK AS A BIOLOGIST, AS WELL AS HIS "PROFOUND POLITICAL DISCOURSES" SUCH AS "REFLECTIONS OF A CITIZEN" AND "FAREWELL TO IDEOLOGY." THE AUTHORS SAID THAT PHU'S DISCOURSES "CARRY HIS HEART AND SOUL ON A SINGLE SUBJECT: THE URGENCY OF DEMOCRATIZATION FOR THE SAKE OF THE COUNTRY. THE PROSPERITY OF THE PEOPLE, THE WELL BEING OF THE COUNTRY, AND THE EQUALITY AND ADVANCEMENT OF SOCIETY DEPEND ON TRUE DEMOCRACY." (NOTE: PHU'S WRITINGS HAVE INCLUDED BITING CRITICISM OF THE CPV. FOR EXAMPLE, IN "FAREWELL TO IDEOLOGY," PUBLISHED IN 1995, HE WROTE TO THE CPV LEADERS: "MARXISM-LENINISM IS JUST FEUDALISM IN DISGUISE. BE GENTLEMEN AND LET THIS DOCTRINE SAY GOOD-BYE TO OUR PEOPLE OPENLY. LET'S PART ON GOOD TERMS.")

19. (SBU) THE OPEN LETTER ALSO INCLUDES A STRONG INDICTMENT OF THE ADMINISTRATIVE DETENTION DECREE, SAYING THAT IT ALLOWS POLICE TO TAKE ARBITRARY ACTION AGAINST PHU AND OTHER PERSONS. THE LETTER NOTES THE DECREE ALLOWS OFFICIALS TO "DETAIN ANY CITIZENS SUSPECTED OF BEING A POSSIBLE SECURITY THREAT, WITHOUT THE NEED FOR A JUDICIAL TRIAL AND WITHOUT REGARD FOR

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THE RIGHT OF THE ACCUSED TO DEFEND THEMSELVES." THE
PRO-DEMOCRACY ACTIVISTS CALLED ON THE NATIONAL
ASSEMBLY TO IMMEDIATELY ABOLISH THE DECREE BECAUSE IT
"BLATANTLY VIOLATES" VIETNAM'S CONSTITUTION AND PLAYS
A "DESTRUCTIVE ROLE" IN SOCIETY.

110. (C) FOLLOWING THE PUBLICATION OF THE OPEN LETTER,
HUMAN RIGHTS WATCH ASIA AND SEVERAL VIETNAMESE-
AMERICAN NGO'S AND INTERNET NEWS SERVICES CIRCULATED
NEWS OF THE ACTIONS AGAINST PHU AND CALLED FOR
CLEARING HIM OF ANY POSSIBLE CHARGES. THE EMBASSY HAS
RAISED HIS CASE ON SEVERAL OCCASIONS WITH THE
MINISTRIES OF FOREIGN AFFAIRS AND PUBLIC SECURITY, AND
ASSISTANT SECRETARY KOH DISCUSSED PHU'S CASE IN DETAIL
DURING THE U.S.-VIETNAM HUMAN RIGHTS DIALOGUE IN
WASHINGTON JUNE (REF C). ALSO, AS NOTED ABOVE, THE
AMBASSADOR ASKED FOREIGN MINISTER NIEN FOR INFORMATION
ABOUT PHU DURING A JULY MEETING (REF B).

OTHER DISSIDENTS NOT ABLE TO CONTACT PHU

111. (C) IN ORDER TO SEEK FURTHER INFORMATION ABOUT THE
CONDITIONS FACED BY HA SY PHU, POLOFFS CONTACTED GIANG
AND HO CHI MINH CITY-BASED DISSIDENT NGUYEN DAN QUE.
GIANG SAID HE HAD NOT BEEN ABLE TO GET MUCH MORE
INFORMATION ABOUT PHU SINCE HE SIGNED THE OPEN LETTER
DESCRIBED ABOVE. (GIANG ALSO SAID HE HAS FACED NO
REPRISALS SINCE SIGNING THE LETTER.) GIANG TRIED TO
CONTACT HA SY PHU BY PHONE, BUT PHU'S PHONE IS CUT
OFF. (GIANG, WHOSE HOME PHONE IS ALSO DISCONNECTED,
USES A CELL PHONE, BUT HE DOES NOT BELIEVE PHU HAS A
CELL PHONE.) GIANG ALSO SAID HE HAD BEEN UNSUCCESSFUL
CONTACTING PHU THROUGH MUTUAL FRIENDS IN DALAT. GIANG
SAID NONE OF PHU'S FRIENDS ARE ABLE TO VISIT HIM AT
HOME, AND PHU MUST REPORT EVERY DAY FOR INTERROGATION
AT THE LOCAL POLICE STATION. ONE OF GIANG'S FRIENDS
BASED IN DALAT WHO ALSO ADVOCATES FOR DEMOCRATIC
REFORM TOLD GIANG THAT PHU IS HELD IN CONDITIONS LIKE
HOUSE ARREST. (SEPTEL WILL REPORT FURTHER ON
CONDITIONS FACED BY GIANG, QUE AND OTHER DISSIDENTS.)

112. (C) DR. NGUYEN DAN QUE TOLD POLOFF THAT HE TOO WAS
UNABLE TO CONTACT PHU. QUE NOTED THAT PHU HAD SENT A
TET CARD TO HIS WIFE EVERY YEAR WHILE QUE WAS
IMPRISONED (FROM 1990-98), BUT QUE HAD NOT BEEN ABLE
TO MEET HIM SINCE QUE WAS RELEASED FROM PRISON. QUE
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NOTED HE HAD BEEN IN TOUCH WITH A FRIEND IN THE
NEIGHBORING PROVINCE OF BUON ME THUOT, WHO DID NOT
KNOW ANYTHING ABOUT PHU'S CONDITION. QUE OPINED THAT
THE AUTHORITIES LIKELY WERE ADOPTING A "WAIT AND SEE"
ATTITUDE BEFORE DECIDING WHETHER TO CHARGE HA SY PHU
FORMALLY. QUE BELIEVES THAT INTERNATIONAL CRITICISM
OF THE ACTIONS AGAINST HA SY PHU HAS GIVEN PAUSE TO
SECURITY OFFICIALS, WHO LIKELY WOULD HAVE MOVED TO
CHARGE HIM QUICKLY IN THE ABSENCE OF SUCH CRITICISM.

COMMENT

113. (C) THE ONGOING INTERROGATION AND ISOLATION OF HA
SY PHU FOLLOWS A FAMILIAR PATTERN PRACTICED BY
VIETNAMESE SECURITY OFFICIALS. IN ORDER TO INTIMIDATE
AND FRAGMENT THE SMALL NUMBERS OF ACTIVISTS PRESSING
FOR DEMOCRATIC CHANGE IN VIETNAM, LOCAL POLICE
PERIODICALLY CRACK DOWN ON SELECTED INDIVIDUALS BY
CALLING THEM IN FOR REPEATED QUESTIONING, CUTTING OFF
THEIR COMMUNICATION LINKS WITH SUPPORTERS, AND
THREATENING THEM WITH HARSH PRISON TERMS. AS NOTED IN
THE OPEN LETTER FROM GIANG AND HIS ASSOCIATES, THE
ADMINISTRATIVE DETENTION DECREE PROVIDES WIDE LATITUDE
FOR OFFICIALS TO INTIMIDATE AND HARASS THOSE
ADVOCATING "TREASONOUS" IDEAS SUCH AS MULTI-PARTY
DEMOCRACY.

114. (C) THE THREAT MADE AGAINST PHU IN MAY THAT HE
MIGHT BE CHARGED WITH TREASON, WHICH POTENTIALLY COULD
CARRY THE DEATH PENALTY, MAY PROVE TO BE A CASE OF
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LOCAL POLICE EXCEEDING THEIR MANDATE, SINCE IT HAS
BEEN NEARLY THREE MONTHS SINCE THE WRIT WAS PRESENTED
TO PHU. IN ANY EVENT, WE CONCUR WITH DR. QUE THAT THE
STRONG INTERNATIONAL CRITICISM OF PHU'S HARASSMENT
LIKELY HAS CAUSED GVN OFFICIALS TO CAREFULLY CONSIDER
THE IMPLICATIONS OF MOVING FORWARD WITH CHARGES. THAT
SAID, CHARGES MAY INDEED BE FILED AGAINST HIM, SINCE
THE MFA NOTE DECLARES THAT PHU HAS "COMMITTED
VIOLATIONS OF VIETNAM'S CRIMINAL LAW." BUT EVEN IF HE

IS NEVER FORMALLY CHARGED, THE COLD WET BLANKET OF VIETNAM'S INTRUSIVE POLICE APPARATUS HAS DESCENDED AGAIN ON HA SY PHU, SEEKING TO SMOTHER OUT HIS CALLS FOR DEMOCRATIC REFORM. IN VIETNAM TODAY, ONLY A HANDFUL OF PERSONS SUCH AS PHU, GIANG AND QUE ARE WILLING TO ENDURE THE KIND OF HARASSMENT SUCH VIEWS ENTAIL. END COMMENT.
PETERSON

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